

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

FREEDOM FROM RELIGION FOUNDATION, INC.,

Plaintiff,

v.

Case No.: 08-CV-1105

MANITOWOC COUNTY, WISCONSIN
BOB ZIEGELBAUER, Manitowoc County Executive,
And JEFFREY BEYER, Manitowoc County
Public Works Director,

Defendants.

DECLARATION OF ANNIE LAURIE GAYLOR

Annie Laurie Gaylor declares, pursuant to 28 U.S.C. §1746, as follows:

1. I am an adult resident of Madison, Wisconsin. I make this affidavit based on my personal knowledge.

2. I am the Co-President of the Freedom From Religion Foundation, Inc. ("FFRF"). FFRF is a Wisconsin nonstock corporation whose office is located in Madison, Wisconsin. FFRF is a national organization whose purpose is to protect the fundamental constitutional principle of separation of church and state and represents the rights and views of nonbelievers. FFRF has approximately 13,900 members nationwide.

3. FFRF has members in Manitowoc County, Wisconsin, and FFRF brings this action on their behalf.
4. FFRF advocates for and represents its members over various violations of the separation between state and church.
5. FFRF members contact our office for assistance in ending Establishment Clause violations. They often wish to remain anonymous out of fear of persecution within their communities. This was also true for some members in Manitowoc County, as well as other members of the public in the County, who opposed the crèche display and asked the Foundation to sue to remove it, but did not want their names identified publicly (in our lawsuit).
6. Since its inception, FFRF has taken approximately forty lawsuits with and on behalf of its members. Roughly a quarter of the cases involved religious symbols on government property.
7. At least two FFRF members have written letters to the editor of the Manitowoc Herald Times Reporter objecting to the crèche displayed on the lawn of the Manitowoc County Courthouse. True and correct copies of these letters are attached as Exhibits A and B.
8. Last year, FFRF also heard from members of the general public who object to the placement of the nativity scene on the Courthouse grounds.
9. On December 18, 2007, on behalf of a Manitowoc County resident and FFRF member, I wrote a letter to Manitowoc County officials objecting to the erection and maintenance of the nativity scene on County property, and asked the County to remove the nativity display from government property. A true and correct copy of the December

18, 2007 letter to that effect addressed to Manitowoc County Executive, Bob Ziegelbauer, is attached as Exhibit C. FFRF did not receive a response to this letter.

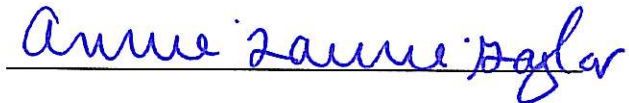
10. On behalf of a Manitowoc County resident who opposed the nativity display on County grounds, FFRF contacted the County regarding its display policy. On December 8, 2008, FFRF emailed Manitowoc County about a possible Winter Solstice display on the grounds of the Manitowoc County Courthouse. A true and correct copy of December 8, 2008 e-mail to that effect from Rebecca S. Kratz at FFRF to the Manitowoc County Public Works Director, Jeff Beyer, is attached as Exhibit D. Mr. Beyer called FFRF that night and I spoke with him. He said FFRF would have to wait until January 2009 to come before the Committee and there was no application or permit form. Mr. Beyer also sent an email to Rebecca S. Kratz at FFRF on December 9, 2008. The December 9, 2008 response of Jeff Beyer's is attached as Exhibit E.

11. I was not surprised to be put off, and I was not surprised FFRF was not going to be given a permit application or hearing in time for a 2008 Winter Solstice display. Prior to FFRF contacting Manitowoc County the Herald Times Reporter had published its December 7, 2008 article *Manitowoc County Courthouse Nativity Scene Not Coming Down*. In the article Norbert Vogt, a County Board Supervisor on the Public Works Committee stated, "He would have a problem with atheists putting up a sign declaring 'There is no god.' " He further told the newspaper that "everybody realizes there is a Supreme Being, and it would be unacceptable to have a sign denying that reality." A true and correct copy of the December 7, 2008 Manitowoc Herald Times Reporter article is attached as Exhibit F.

12. On December 9, 2008, FFRF sent a letter via e-mail and U.S. mail objecting to the erection and maintenance of the nativity scene on County property, and asked the County to remove the nativity scene from government property. A true and correct copy of the December 9, 2008 letter to that effect from Rebecca S. Kratz to Manitowoc County Executive, Bob Ziegelbauer, is attached as Exhibit G. Mr. Ziegelbauer responded on December 9, 2008 stating the display would come down only after January 2009. A true and correct copy of his response is attached as Exhibit H.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 30, 2009.



Annie Laurie Gaylor
Co-President
Freedom From Religion Foundation, Inc.